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Summary record of the 36th meeting
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Chairman: Mr. Carranza (Vice-Chairman) ..... (Guatemala)
later: Mr. Hachani (Chairman) ..... (Tunisia)

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98-82159 (E)

In the absence of Mr. Hachani (Tunisia), Mr. Carranza (Guatemala), Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

Agenda Item 106: Promotion and protection of the rights of children (*continued*) (A/C.3/53/L.14/Rev.1)

Draft resolution A/C.3/53/L.14/Rev.1

1. **Ms. Smolcic** (Uruguay), introducing draft resolution A/C.3/53/L.14/Rev.1 on behalf of the original sponsors and Algeria, Australia, Cape Verde, China, Côte d'Ivoire, Croatia, Cyprus, Estonia, Guinea-Bissau, Hungary, Iceland, Indonesia, Malta, Namibia, New Zealand, Nigeria, the Philippines, the Republic of Moldova, Turkey and Uzbekistan, made a number of revisions and editorial corrections to the draft resolution.

2. In section III, paragraph 12, the word "sexually" should be added before the word "abuse". In section IV, paragraph 1, the phrase "including the use of children as soldiers in such situations" should be deleted; in paragraph 4, the word "common" should be changed to "concerted"; and at the end of paragraph 10, the words "and effective disarmament" should be added.

3. The sponsors hoped that delegations would set aside political and ideological differences and focus on their responsibility with regard to the rights of children.

Agenda item 108: Elimination of racism and racial discrimination (*continued*) (A/C.3/53/L.18/Rev.1/L.24 and L.25)

Draft resolution A/C.3/53/L.18/Rev.1

4. **Ms. Štiglic** (Slovenia), introducing draft resolution A/C.3/53/L.18/Rev.1 on behalf of the original sponsors and Antigua and Barbuda, Côte d'Ivoire, Equatorial Guinea, Liberia, Mongolia, New Zealand, Pakistan and the Republic of Moldova, expressed the hope that, as in the past, the draft resolution would be adopted by consensus.

Draft resolutions A/C.3/53/L.24 and A/C.3/53/L.25

5. **Mr. Fachir** (Indonesia), introducing draft resolutions A/C.3/53/L.24 and L.25 on behalf of the Group of 77 and China and the other sponsors, said that draft resolution A/C.3/53/L.24 sought to strengthen the commitment of the international community to achieving the goals of the Third Decade to Combat Racism and Racial Discrimination and to determine the date and venue for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The financial implications of the preparations would have to be taken into account in that respect.

6. In part I, paragraph 8, the word "reservations" should be changed to "reservation" in both cases, and the word "such" should be deleted. In paragraph 14, the rest of the sentence following the words "its recommendations" should be deleted and replaced by "for responsible use of the Internet".

7. Finland, France, Italy, Japan, Mali, Portugal, Spain and the United Kingdom had become sponsors of the draft resolution.

8. Draft resolution A/C.3/53/L.25 was being submitted in the light of continuing and emerging manifestations of intolerance throughout the world, including the use of new technology to promote racist and xenophobic ideas, which required the continuing attention of the international community.

9. Australia, Belgium, Finland, France, Greece, Iceland, Italy, Japan, Luxembourg, Norway, Portugal, Spain and the United Kingdom had become sponsors of the draft resolution.

10. The Group of 77 and China were strongly committed to finding solutions to the pernicious problems of racial discrimination, which continued to be a blight on mankind.

Agenda Item 110: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/53/L.21-L.23)

Draft resolution A/C.3/53/L.21

11. **Mr. Ruiz Y Avila** (Mexico), introducing draft resolution A/C.3/53/L.21 on behalf of the original sponsors and Tunisia, said that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was a valuable legal instrument designed to protect the rights of a particularly vulnerable group of people. It was therefore very important that it should enter into force at an early date. The sponsors hoped that, as in the past, the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.22

12. **Ms. Chatsis** (Canada), introducing draft resolution A/C.3/53/L.22 on behalf of the original sponsors and Belgium, Cyprus, the Czech Republic, Greece, Italy, Malta, Portugal, Spain and Sweden, said that the draft resolution aimed to improve the implementation of human rights instruments. It consolidated many elements of the previous

year's resolution, with some revisions to reflect progress over the past year.

Draft resolution A/C.3/53/L.23

13. **Ms. Geelan** (Denmark), introducing draft resolution A/C.3/53/L.23 on behalf of the Nordic countries and the other original sponsors, joined by Cyprus, Madagascar, Malta, the United States of America and Venezuela, said that the draft resolution was an important tool in combating torture, which was a matter of high priority.

Agenda Item 110: Human rights questions (*continued*) (A/53/3, 58, 74, 75, A/53/77-S/1998/171, A/53/79, A/53/80, A/53/94-S/1998/309, A/53/99-S/1998/344, A/53/131-S/1998/435, A/53/165-S/1998/601, A/53/167, A/53/203, A/53/205-S/1998/711, A/53/214, A/53/215, A/53/225-S/1998/747, A/53/343, 404, 425, 489, 493, 494, 497 and 557; A/C.3/53/4, 5, 7, 9 and 12)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/53/72-S/1998/156, A/53/81-S/1998/225, A/53/82-S/1998/229, A/53/83-S/1998/230, A/53/86-S/1998/240, A/53/89-S/1998/250, A/53/93-S/1998/291, A/53/95-S/1998/311, A/53/98-S/1998/335, A/53/113-S/1998/345, A/53/115-S/1998/365, A/53/268, 279, 284, 293 and Add.1, 304, 309, 313, 324, 337, 400 and 501; A/C.3/53/6; A/C.3/53/L.5)

(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/53/84-S/1998/234, A/53/114, A/53/120, A/53/182-S/1998/669, A/53/188, 322, 355, 364–367, 402, 423, 433, 490, 504, 530, 537, 539, 563; A/C.3/53/3 and 8)

(e) **Report of the United Nations High Commissioner for Human Rights** (*continued*) (A/53/36)

14. **Mr. Ndiaye** (Office of the High Commissioner for Human Rights) said that the work carried out in the framework of the United Nations Development Group (UNDG) was of particular relevance to the mandate and activities of the Office of the High Commissioner for Human Rights in the area of the promotion and protection of the right to development. More specifically, the United Nations Development Assistance Framework (UNDAF) process provided the Office with an appropriate forum to promote the integration of the right to development, and thus of all human rights, into the activities and programmes of the United Nations system at the field level.

15. At its latest session, in March/April 1998, the Commission on Human Rights had decided to appoint an independent expert on the right to development, with the mandate to report regularly to the Working Group on the Right to Development on progress in the implementation of that right. The fact that the working group was open-ended would allow for a wider exchange on the right to development, encompassing all the parties involved.

16. A major step in promoting the implementation of the right to development was the upgrading of economic, social and cultural rights; for decades, there had been a difference in treatment between civil and political rights on the one hand, and economic, social and cultural rights on the other, despite the repeated proclamation of the universality and indivisibility of all human rights, particularly in the Vienna Declaration and Programme of Action. The appointment by the Commission on Human Rights at its latest session of a Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, a Special Rapporteur on the right to education, and an independent expert on human rights and extreme poverty, and the extension of the mandate of the independent expert on structural adjustment programmes, would no doubt contribute greatly to the promotion of the right to development and its implementation within the human rights programmes and the United Nations system generally.

17. In 1997, the Office of the High Commissioner had organized an expert seminar to define the normative content of the right to adequate food as a human right, as a follow-up to the World Food Summit Plan of Action. A second round of consultations on the definition of the right to adequate food would be held shortly in co-sponsorship with the Food and Agriculture Organization of the United Nations, and in April 1999 the Office would host the twenty-sixth session of the Subcommittee on Nutrition of the Administrative Committee on Coordination (ACC) and organize on that occasion a symposium on a human rights approach to food and nutrition policies and programmes. Such steps were intended to "upgrade" economic and social rights. Similarly, increased support to the Committee on Economic, Social and Cultural Rights, through the imminent implementation of a plan of action, should allow the conventional human rights machinery to achieve a more balanced approach to the two sets of human rights.

18. As part of the recent trend within the United Nations towards increased cooperation between the various parts of the system, a Memorandum of Understanding had been

signed between the Office and the United Nations Development Programme (UNDP). One example of the Office's increased cooperation with UNDP was a symposium on human rights and human development, co-hosted by the Norwegian Government in Oslo in October 1998, in which a wide range of United Nations bodies, development-assistance agencies, non-governmental organizations, academics and independent experts had participated. The goal of the symposium had been to discuss an integrated human rights-based approach to development at the global and field levels.

19. With regard to unilateral coercive measures, he drew attention to the report of the Secretary-General (A/53/293 and Add.1) and also to a general comment adopted by the Committee on Economic, Social and Cultural Rights in December 1997 on the relationship between economic sanctions and respect for economic, social and cultural rights. The purpose of that general comment was to emphasize that such sanctions should always take full account of the provisions of the International Covenant on Economic, Social and Cultural Rights.

20. The Office remained the system-wide focal point for coordinating system-wide attention to human rights, democracy and the rule of law, and in that connection the Assembly had encouraged the High Commissioner to pursue consultations within the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law. The rule of law was not only the most effective guarantor for the realization of all human rights, but also a fundamental element for sustainable development and an important tool for conflict prevention. That notion had been central to the work of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, which, during the past year, had carried out rule-of-law-related support activities in more than 50 countries at the request of Governments.

21. Regarding the United Nations Decade for Human Rights Education, national initiatives varied considerably. Comprehensive national plans of action for human rights education had been adopted in a very few countries. In most cases, human rights education had been focusing mainly on primary and secondary schools, and public-information campaigns had been targeted to respond to the most pressing problems in the countries concerned. As a general trend, both at the international and national levels, the proclamation of the Decade had not yet mobilized an adequate supplementary effort in the area of human rights education, training and public information. However, the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights had encouraged more partners to undertake ad hoc or long-term educational initiatives. It was imperative that efforts made in that context should continue. The success of the Decade would require a stronger commitment to its objectives on the part of the international community and a strengthening of the partnership between governmental and non-governmental actors.

22. **Ms. Tuhovčáková** (Slovak Republic) said that the effective application of the idea that all human rights derived from the dignity and work of the human person, as laid down in the United Nations human rights conventions, was increasingly important. With regard to the implementation of the conventions, the role of the human rights treaty-monitoring bodies was growing. Constructive dialogue with the various committees, thanks to the experience, knowledge and personal qualities of their members, was of great assistance to States in implementing the conventions.

23. Member States should direct their human rights activities towards cooperation with non-governmental organizations as well as towards the strengthening of national human rights institutions. They should also pay greater attention to human rights education, which was a prerequisite for the realization of those rights. Activities in Slovakia in that field were being undertaken by the National Human Rights Centre, an independent body created under the agreement signed between the United Nations and the Government, with considerable support from the Government of the Netherlands.

24. Initial responsibility in laying the groundwork for ensuring the implementation of human rights fell to national Governments. The new Government of the Slovak Republic had created the post of Deputy Prime Minister for Human Rights and Regional Development, and the Slovak Parliament had created a new committee to deal with the same issues. Her Government supported the efforts of Member States in achieving the universal ratification of the human rights conventions, efforts to which it had contributed by its recent signature of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Although the Slovak Republic was already bound by regional commitments in that field, her Government considered the abolition of the death penalty to be the most important overall issue in human rights.

25. **Mr. Tahir** (Pakistan) said that the impressive progress made by the international community in the promotion and protection of human rights was not without new problems, such as ethnic cleansing in Bosnia and Herzegovina and

massacres in the Great Lakes region of Africa. Similarly, massive human rights violations in Palestine, Kashmir and Kosovo posed serious challenges for regional peace and security. People living under foreign occupation had been the particular targets of gross human rights violations by occupying Powers. In South Asia, the people of Jammu and Kashmir, struggling for their right to self-determination, had been subjected to atrocious human rights violations by the Indian occupation forces. For more than 50 years, in total defiance of Security Council resolutions, India had been using every possible repressive tactic to perpetuate its illegal occupation of the State. Kashmir was densely occupied by more than 650,000 Indian troops.

26. Leaders of the All Parties Hurriyat Conference, the sole representative organization of the Kashmiri people, had been consistently subjected to arbitrary detention and harassment. In the past nine years, more than 60,000 Kashmiri men, women and children had been killed mercilessly. Over 35,000 were languishing in jail, and thousands more had been injured or maimed for life. There was not a single family in Kashmir which had not lost a son or a daughter in the unrelenting repression. In the first eight months of 1998, nearly 1,900 people had been killed in cold blood. India had created cadres of mercenaries in occupied Kashmir – officially described as "friendlies" – to teach Kashmiris a lesson. Women and girls had been used as a weapon of war by the Indian forces and government-sponsored mercenaries, and during the past 10 years, more than 5,000 women had been the victim of rape and molestation by Indian forces. Perpetrators of those crimes enjoyed full impunity from law in Indian-occupied Kashmir.

27. Torture was also commonly used: in 1998 the Special Rapporteur on torture had expressed deep concern at the systematic practice of torture by Indian authorities in Kashmir. A report by a team representing Indian human rights organizations, confirming his findings, stated that the degree and severity of torture was nowhere as atrocious as it had been observed in Kashmir, where the invariable result was death or permanent disability.

28. The recently appointed Special Rapporteur on extrajudicial, summary or arbitrary executions had also expressed deep concern at the considerable number of complaints of summary and extrajudicial killings due to excessive use of force by the Indian security forces. In the first eight months of 1998, some 200 people had been killed while in custody. Amnesty International's 1998 report stated that torture, including rape and ill-treatment, was endemic throughout the country. Human rights activists were also a favourite target of the Indian forces in Kashmir. In the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights, the Kashmiri people looked hopefully towards the United Nations for an early end to their sufferings. The United Nations must take a proactive role to redeem the Kashmiri people's right to self-determination, which would provide a solid foundation for durable peace, development and prosperity throughout the region.

29. **Ms. Mekhemar** (Egypt) said that her Government would continue to cooperate with the Special Rapporteur on extrajudicial, summary or arbitrary executions. In her statement to the Committee at its 34th meeting, the Special Rapporteur had said that she had received some responses from Governments, including Egypt, to her request for information on legislation and legal procedures governing capital punishment, but that those responses had been insufficient for following up on guarantees in accordance with what the Special Rapporteur had called "international practices" on capital punishment. The Special Rapporteur had rightly said that capital punishment was not internationally prohibited, but that a point of reference in applying it was international practices. The obscurity surrounding the issue of international practices was crucial. In establishing the requisite guarantees on capital punishment, Governments depended on established international criteria in accordance with universally accepted conventions and not with what the Special Rapporteur had called "international practices". That could give the false impression that international action went in one direction only, while there were multiple practices, which could not be referred to as "an" international practice.

30. Egyptian legislation contained many safeguards for preserving the dignity of the accused and of those sentenced to capital punishment. In contrast to the few existing international provisions, Egyptian legal provisions and safeguards applicable prior to the enforcement of any sentence, including the death penalty, were more far-reaching. Under Egyptian criminal law, the death penalty could be pronounced only upon the unanimous consent of judges, whether in the court of first instance, the court of second instance or an appeals court. Such matters were referred to the Mufti, the highest religious authority in the land, and the President had the constitutional right to issue a pardon.

31. The Special Rapporteur had stated that, as the responses received from Member States were insufficient to cover all the safeguards mentioned in her request, she planned to seek further clarification on the points not covered by the response from Egypt. In all cases, however, she should wait for a response to her request for follow-up; if there was an ongoing dialogue between the Special

Rapporteur and the State party, that dialogue should continue and should be encouraged, despite the fact that there was no international prohibition against capital punishment. She emphasized the need for continued dialogue and the fact that her Government would continue to support the work of the Special Rapporteur.

32. **Mr. Naber** (Jordan) said that, as the international community celebrated the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights, it should reaffirm its commitment to human rights and fundamental freedoms. Two principles were now broadly accepted, namely the universality of human rights and their indivisibility. At the national level, it must be recognized that historical, cultural and socio-economic factors shaped the implementing of international human rights obligations. Regional human rights instruments played an important bridging role in strengthening universal norms. Another important development over the past half century had been the recognition that human rights issues were a legitimate concern of the international community, not merely an internal matter for States. It was vital, however, that monitoring should be seen to be objective. The increased emphasis on economic, social and cultural rights, alongside civil and political rights, was also to be welcomed, and he commended the work of the United Nations High Commissioner for Human Rights in that area.

33. Jordan had ratified 17 human rights conventions, and the principles of tolerance and respect for human rights were enshrined in its Constitution. The real challenge lay in translating those ideals into reality. To that end, his Government had established a number of mechanisms for the promotion and protection of human rights, including a human rights unit in the Office of the Prime Minister, which examined complaints of human rights violations and reviewed public policy to ensure that it reflected international human rights standards.

34. In her statement at the Committee's 34th meeting, the newly appointed Special Rapporteur on extrajudicial, summary or arbitrary executions had said that the Jordanian authorities did not take action against the perpetrators of honour killings, and had branded the former as mere passive spectators. That was not the case however. The Jordanian Penal Code covered all crimes, and it was rigorously enforced by the authorities.

35. **Mr. Tekle** (Eritrea) said that his statement would focus on the gross violations by the Ethiopian Government of the human rights of Eritreans living in Ethiopia and Ethiopian citizens of Eritrean origin, which had been fomented by the racist utterances of the Ethiopian Prime Minister, Mr. Meles Zenawi. Since May 1998, more than 5,000 ethnic Eritreans had been detained and some 30,000 expelled, including citizens of third countries and staff of international organizations. Families had been forcibly separated and their property confiscated. Those acts had been carried out arbitrarily and unlawfully, without any right of appeal, and amounted to a programme of ethnic cleansing.

36. The Ethiopian Government might claim that, having declared war on Eritrea, it could derogate from the human rights provisions of its Constitution and Penal Code, in the name of national security. However, it had no right to revoke the citizenship of its nationals; furthermore, the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War specifically prohibited individual or mass forcible transfers and deportations.

37. A number of independent sources had attested to the violation of human rights by the Ethiopian Government, including the United Nations High Commissioner for Human Rights, the Prime Minister of Sweden, the Government of the United States of America, the Organization of African Unity, Amnesty International, and the United Nations Secretary-General, who referred in his report on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/53/501), to the expulsion by the Ethiopian Government of Ethiopian staff of the United Nations common system who were of Eritrean origin. On the other hand, none of the sources cited had found evidence of violations of the human rights of Ethiopians residing in Eritrea. The international community must take decisive action when human rights abuses occurred. He therefore called upon the Committee to condemn the actions of the Ethiopian Government, particularly its incitement of ethnic hatred, and to express its sympathy for the victims.

38. **Mr. Myat** (World Food Programme (WFP)), speaking on agenda item 110 (b), said that humanitarian-relief workers were currently at greater risk than ever before. In 1998, for the first time, United Nations civilian casualties had outnumbered peacekeeping personnel killed in action. The staff of WFP were at particular risk, since they operated in highly insecure areas. Fifteen had been murdered or killed in accidents since 1997, while others had been subjected to assault, rape and armed robbery or taken hostage. In conflict situations, the breakdown of State structures tended to foster a culture of impunity. There might be mistrust among the warring parties as to the impartiality of humanitarian workers, or a fear that the delivery of humanitarian assistance would undermine their political, strategic or military goals. Aid workers were sometimes attacked in an attempt to remove witnesses to human rights abuses, or, in

the case of locally recruited staff, because they belonged to a particular ethnic or religious group.

39. The principles of the protection of United Nations staff were set out in the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies. Those two instruments had not, however, been ratified by all Member States. Another problem was the provision of the 1994 Convention on the Safety of United Nations and Associated Personnel to the effect that each Member State was responsible for ensuring the security of aid workers operating on its territory, since the provision failed to take account of situations where lines of authority had broken down. There was a need to raise awareness, through training and advocacy, both among State and non-State entities, of the provisions of the various conventions and to ensure they were more effectively enforced. He welcomed in that respect the provision of the Statute of the International Criminal Court that attacks against United Nations and other humanitarian personnel constituted war crimes. Broader recognition of the status of humanitarian personnel was also necessary.

40. The Administrative Committee on Coordination (ACC) had drawn up a set of measures aimed at enhancing the security of humanitarian personnel. They included the strengthening of the Office of the United Nations Security Coordinator (UNSECOORD); the appointment of field security officers; enhanced cooperation in the field between peacekeepers and humanitarian personnel; improved security training; and the development of criteria for the temporary suspension of humanitarian operations. WFP was implementing those measures in full and was working with UNSECOORD to enhance the security of its staff. WFP had also been involved in the development of minimum security communications standards for United Nations humanitarian operations. Currently, humanitarian aid workers in a number of countries were subjected to restrictions on the use of communication facilities, and that undermined their security.

41. Humanitarian assistance must take place alongside broader peace initiatives, since the security of humanitarian personnel could not be guaranteed unless the root causes of conflicts were addressed.

42. **Mr. Ndaruzaniye** (Burundi), thanking the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi for his report (A/53/490), said that Burundi was gradually emerging from the crisis into which it had been plunged five years earlier. Burundians were seeking to resolve their differences through a dialogue begun in July 1996. Talks were being held in Arusha, a third round of negotiations having been concluded in October. A National Assembly had been elected and a transitional Government appointed within the framework of the internal peace process, which was proceeding in parallel with the Arusha negotiations. The major obstacle was the total economic embargo imposed on Burundi for the past two years.

43. His Government was committed to the promotion and protection of human rights. Burundi had ratified the chief international human rights instruments, and enjoyed excellent relations with the Special Rapporteur and the Office of the High Commissioner for Human Rights. Burundi was receiving technical cooperation in three main areas, namely human rights education, monitoring, and the enhancement of the criminal-justice system. Also, an office of the High Commissioner for Human Rights had been established in Burundi and a team of human rights observers had been dispatched to the country. Among the measures taken by his Government to enhance the promotion and protection of human rights were the creation of a ministerial department responsible for raising awareness of human rights among communities and for training local officials, and the establishment of a national centre for the promotion and protection of human rights. In addition, several independent human rights organizations were active in Burundi.

44. His Government had taken note of the comments of the Special Rapporteur regarding the legal system in Burundi and would do everything in its power to address the problems raised. The cooperation of international lawyers in the criminal proceedings against the perpetrators of the genocide in Burundi provided assurances of fair trials, and his Government would welcome increased assistance in that area. It also supported the establishment of the International Criminal Court, which might try such cases in the future. The Special Rapporteur had expressed concern at the situation of detainees. The poor prison conditions were attributable to the large increase in the prison population following the genocide and the lack of financial resources, that situation having been aggravated by the economic embargo illegally imposed on Burundi. There was a need for urgent action by the international community to improve the living conditions both of the prison population and of the many displaced persons living in camps in Burundi, many of whom were widows and orphans.

45. Turning to the question of refugees, he said that his Government was committed to the principles of the relevant international agreements and supported the voluntary return of Burundian refugees. It was regrettable that certain persons

were cynically exploiting the issue in order to create a climate of tension in the country.

46. His Government commended the work of the Special Rapporteur and pledged to continue its fruitful cooperation with the Office of the High Commissioner for Human Rights.

47. *Mr. Hachani (Tunisia) took the Chair.*

48. **Ms. Sibal** (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that human rights education was the cornerstone of the work of UNESCO. The main aims and basic principles of human rights education were set out in the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy (Montreal, 1993). UNESCO activities in that sphere were supervised by the Advisory Committee on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance which recommended practical measures for the development of a comprehensive system of human rights education, including the preparation of teaching materials and the establishment of a network of institutions. In November 1997, the UNESCO General Conference had adopted the Integrated Framework of Action on Education for Peace, Human Rights and Democracy, which reflected recent developments in the field of human rights education. The document had been published in a brochure in the six official languages of UNESCO and was also available on the Internet and on CD-ROM.

49. UNESCO had been committed to the promotion and protection of human rights for more than 50 years. It had adopted more than 30 instruments on the rights which came within its competence, namely the right to education, the right to participate in cultural life, the right to information, the right to freedom of opinion and expression, the right to enjoy the benefits of scientific advancement and its applications, and the right to the protection of moral and material interests resulting from scientific, literary or artistic production. Recently, the General Conference had approved the Universal Declaration on the Protection of the Human Genome. The Organization was guided in its work by the Vienna Declaration and Programme of Action.

50. UNESCO's contribution to the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights was designed to give new impetus to human rights education, mobilize the public, especially young people, in support of human rights and assess the status of human rights implementation, particularly in areas within the competence of UNESCO and taking into account the priority needs of the countries in transition towards democracy. Those activities were a significant part of the United Nations system's efforts, which were being coordinated by the High Commissioner for Human Rights.

51. She noted that the General Assembly would soon take action on the draft declaration and programme of action on a culture of peace under agenda item 31, and said that their adoption would add a great deal to the commemoration of the fiftieth anniversary. She welcomed the adoption the previous day of General Assembly resolution 53/22, which designated the year 2001 as the United Nations Year of Dialogue among Civilizations; the Year would thus follow the International Year for the Culture of Peace proclaimed in General Assembly resolution 52/15.

52. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) noted that the universality of all human rights was one of the main concerns of the United Nations, which, in the view of many Member States, should occupy itself with improving living conditions for all human beings without distinction. He therefore wondered whether Special Rapporteurs ought in their reports to indulge in sterile polemics with the Governments of sovereign States instead of remaining within their mandates, which were to conduct investigations of clear violations of human rights.

53. The report by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/53/365) demonstrated the subjective spirit in which the author had failed to refrain from making a value judgement about the authorities of the country while failing to provide the proof needed to confirm any of the allegations. The Special Rapporteur would be doing the international community a service if he would realize that, given the doubts that prevented him from working objectively, he should rather have drafted a report that dismissed any facts that he himself had been unable to prove. Also, it was the duty of the United Nations to shoulder its responsibilities towards each of its Member States by restraining some of its outside consultants, who were under an obligation to conform to the code of ethics their sensitive missions required.

54. That a Government did not provide the follow-up which the Special Rapporteur apparently expected did not at all authorize him to draw the extremely offensive conclusion that such an attitude was typical of Governments that were under investigation by the Commission on Human Rights (A/53/365, para. 3). It was also going too far to add the second conclusion that that attitude did not detract from the validity, seriousness, objectivity and truth of the report.

55. What the Committee had before it was the report of a very tendentious investigation hastily set up against the

Democratic Republic after 12 days of consultations in Geneva, Brussels and Paris in which the Rapporteur had apparently met a number of direct victims, or at least their close relatives, who had provided him with information, uncorroborated by independent sources, which he had then used with a disconcerting degree of subjectivity.

56. The Democratic Republic of the Congo bore no personal grudge against the Special Rapporteur, despite his claim that he had frequently been subjected to displays of aggressiveness on the part of the Government (ibid., para. 6).

57. The Special Rapporteur, following the same old strategy he had followed since his appointment in 1994, had never shown any impartiality. The investigations in the Democratic Republic of the Congo had been conducted only a month before the start of work by the Commission on Human Rights in Geneva, and all the Special Rapporteur had done was draft a report that contained nothing but suppositions.

58. His delegation was nevertheless happy to see that the Special Rapporteur did in fact recognize that many of the human rights violations in the Democratic Republic were the work of people from outside that country who were happy to expropriate the local people's property after brutalizing or slaughtering them. The Special Rapporteur had recognized also that there had been attacks in 1993 on refugee camps, during which crimes against humanity had been committed; however, to attribute them to the Alliance of Democratic Forces for the Liberation of Congo-Zaire was false, because the Alliance had not existed at that time.

59. The Mungunga and Kimbumba camps had been bombed at that time by the Rwandan Patriotic Army, which had wanted to put an end once and for all to the Rwandan Armed Forces and other *Interahamwe* armed militias. Those were the same Rwandan Patriotic Army troops that had pursued the Hutu refugees westwards to meet their deaths in massacres far away indeed from the border between Rwanda and the Democratic Republic of the Congo. Yet again, the same Rwandan forces were occupying the east of the Democratic Republic of the Congo for reasons they had not divulged; he wondered therefore what would become of the Hutu refugees still in the Democratic Republic – who had never wanted to go back to Rwanda – and how the international community intended to react to the atrocities that were taking place in that area of the Democratic Republic: surely it did not want a second genocide of those Hutu, who had been purged quite enough already. In that connection, President Kabila had invited the United Nations to investigate all those massacres whenever it liked.

60. He noted that the Special Rapporteur had in fact recognized in paragraph 22 of his report that the "mutiny" of Banyamulenge soldiers in February 1998 had been nothing but a subterfuge by the Rwandans, who had every interest in thwarting the investigations of the Secretary-General's team and forcing the cancellation of the constitutional referendum. Similarly, in the same paragraph the Banyamulenge leader was reported as saying that the war of occupation was beginning. In paragraph 24, the Special Rapporteur reported that Banyamulenge and Rwandan soldiers had indeed attacked the Kokolo and Tshatshi military camps with a view to destabilizing the seat of power in Kinshasa. Also, the Special Rapporteur highlighted in paragraph 34 that many soldiers who had been horrified by the massacre in Kasika – which the Vatican too had denounced – had simply been executed and their corpses thrown into the Ruzizi River. The Special Rapporteur also reported torture, sexual violence, obstruction of humanitarian assistance and forced recruitment of civilians, including children under 15, showing the seriousness of the violations of international humanitarian law that could be laid at the door of the occupation troops.

61. The Special Rapporteur had recognized that some violations of human rights were being perpetrated in the occupied areas but wanted to see the Government of the Democratic Republic of the Congo take responsibility for them. His delegation believed that the Special Rapporteur would be doing something useful if he associated himself with the recommendations to promote human rights put forward by the delegation of the Democratic Republic of the Congo at previous meetings of the Committee under other agenda items.

62. He said that his intent was not to provide justifications for his Government's actions in the face of the Special Rapporteur's unfounded accusations, but rather to provide illumination and specific details concerning the allegations arising from the absurd analyses which were being arrived at in certain forums concerning events in the Democratic Republic of the Congo. Indeed, the Special Rapporteur could not justifiably state, whatever his own doubts might be, that the current power structure was likely to compromise the democratization process and that the elections would not take place in early 1999.

63. The Special Rapporteur could have mentioned that in March 1998 the Government, which wanted human rights respected at all costs, together with representatives of the Commission on Human Rights in Kinshasa, had held an inter-ministerial seminar on the place of human rights in the national reconstruction strategy. That seminar had recommended that a study on establishing a Congolese

institute of human rights should be conducted; that special military jurisdictions should be eliminated and replaced with ordinary courts; that the Universal Declaration of Human Rights should be disseminated in the four national languages; and that the principle that married women had no legal capacity should be progressively eliminated.

64. His delegation would be happy to see the international community help in areas where external support was needed to promote human rights in that country; in that connection, it repeated the appeal it had made before the Second Committee for fulfilment of the December 1997 pledges by the Friends of the Congo for reconstruction work, because improving the economy would make it possible for the other inalienable human rights to be enjoyed in full. Towards that end, and to ensure that the expected investments in the Democratic Republic of the Congo would in fact arrive, the war of aggression must be ended by the demand for the withdrawal of the occupying troops and the punishment of those who had gratuitously killed peaceful inhabitants of the Democratic Republic: the identity and location of the perpetrators were both known.

Agenda Item 106: Promotion and protection of the rights of children (*continued*) (A/C.3/53/L.15)

65. **The Chairman** informed the Committee that draft resolution A/C.3/53/L.15, entitled "The girl child", had no programme budget implications. The draft resolution had been orally revised when introduced, so that paragraph 19 should read: "*Requests* the Commission on Human Rights to pay particular attention to the human rights of the girl child,".

66. The following countries joined in sponsoring the draft resolution: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Belgium, Benin, Bhutan, Brazil, Bulgaria, Cameroon, the Central African Republic, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, the Czech Republic, the Democratic Republic of the Congo, Denmark, El Salvador, Equatorial Guinea, Fiji, Finland, France, Germany, Greece, Guinea-Bissau, Guyana, Iceland, India, Indonesia, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Micronesia, Nepal, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Senegal, Singapore, Slovenia, Solomon Islands, Spain, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkmenistan, Ukraine, the United Kingdom, the United States of America and Uruguay.

67. *Draft resolution A/C.3/53/L.15, as orally revised, was adopted.*

Agenda Item 107: Programme of activities of the international decade of the world's indigenous people (*continued*) (A/53/282; A/C.3/53/L.19 and L.20)

Draft resolution A/C.3/53/L.19

68. **The Chairman** informed the Committee that draft resolution A/C.3/53/L.19, entitled "International Decade of the World's Indigenous People", had no programme budget implications, and that Armenia, Botswana, Brazil, Colombia, Croatia, Guyana, Panama, Peru, the Philippines and Turkmenistan had joined in sponsoring it.

69. *Draft resolution A/C.3/53/L.19 was adopted.*

Draft resolution A/C.3/53/L.20

70. **The Chairman** informed the Committee that draft resolution A/C.3/53/L.20, entitled "United Nations Voluntary Fund for Indigenous Populations", had no programme budget implications, and that Brazil, Colombia, Panama and Peru had joined in sponsoring it.

71. *Draft resolution A/C.3/53/L.20 was adopted.*

72. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the Secretary-General's report on the status of the United Nations Voluntary Fund for Indigenous Populations (A/53/282).

73. *It was so decided.*

Agenda item 109: Right of peoples to self-determination (*continued*) (A/53/338; A/C.3/53/L.16 and L.17)

Draft resolution A/C.3/53/L.16

74. **The Chairman** informed the Committee that draft resolution A/C.3/53/L.16, on the universal realization of the right of peoples to self-determination, had no programme budget implications, and that the following countries had joined in sponsoring it: Albania, Azerbaijan, Egypt, Ireland, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Papua New Guinea, Singapore, Togo and the United Arab Emirates.

75. **Mr. Bhatti** (Pakistan), speaking on behalf of the sponsors, expressed the hope that draft resolution A/C.3/53/L.16 would be adopted without a vote.

76. *Draft resolution A/C.3/53/L.16 was adopted.*

Draft resolution A/C.3/53/L.17

77. **The Chairman** informed the Committee that draft resolution A/C.3/53/L.17, on the use of mercenaries, had no programme budget implications. He said that the following countries had joined in sponsoring it: Benin, Botswana, Brunei Darussalam, the Democratic People's Republic of Korea, Egypt, Eritrea, India and Niger.

78. **Mr. Reyes Rodríguez** (Cuba), speaking as a sponsor, introduced an oral revision to the fifth preambular paragraph, by adding the words "and also elsewhere" at the end of the paragraph.

79. *A recorded vote was taken.*

80. *Draft resolution A/C.3/53/L.17, as orally revised, was adopted by 93 votes to 17, with 28 abstentions.*

81. **Ms. Campestrini** (Austria), speaking on behalf of the European Union, said that the States members of the European Union welcomed the information on the activities of mercenaries provided in the report of the Special Rapporteur on that question (A/53/338) and shared many of his concerns about the dangers of those activities. The European Union recognized that mercenaries were sometimes involved in terrorist activities and strongly condemned such activities wherever they occurred. The European Union member States had contributed to the Special Rapporteur's efforts to collate information on the activities of mercenaries and had always consented to his requests to visit their countries.

82. Nevertheless, the States members of the European Union had not supported draft resolution A/C.3/53/L.17: they would have welcomed consultations in which they could have expressed their reservations, which included doubts concerning the extent to which the use of mercenaries threatened human rights or indeed the right of peoples to self-determination, and whether such themes were appropriate for discussion by either the Third Committee, the General Assembly or the Commission on Human Rights. The European Union member States wondered whether the relationship between terrorism and the activities of mercenaries in fact fell within the Third Committee's mandate.

83. The European Union remained open to constructive dialogue with interested States on ways to curb the threats posed by the activities of mercenaries.

Agenda Item 110: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/53/365)

84. **Mr. Mwamba Kapanga** (Democratic Republic of the Congo), speaking in exercise of the right of reply, said that his delegation had been indignant at the statements made by the representatives of the United States and Rwanda at the 34th meeting, in connection with the presentation by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo of his report A/53/365, because Member States, commenting on the documents submitted to the Committee ought to avoid offensive remarks about the authorities of another Member State.

85. It was regrettable that the United States, which prided itself on being on the side of democratic virtues and human rights, should be acting for those engaged in rape, robbery and murder of peaceful citizens of the Democratic Republic of the Congo. The conscience of the United States should have been touched by those acts, which were nothing if not flagrant violations of human rights and dignity.

86. The representative of the United States, speaking at the 34th meeting, should have known that thousands of children had been deprived of the right to life simply because the vaccination campaign against measles and polio had not materialized. However, he wondered whether she knew how many premature babies had not survived because water and electricity supplies to Kinshasa had been cut during August 1998, and whether she knew that those who believed they were the victims of a second genocide were resorting with impunity to acts as base as raping a pregnant woman, disembowelling her, cutting the head off the foetus and drinking the amniotic fluid. His delegation believed that the United States Government was capable of conducting an analysis of the war situation prevailing in the Democratic Republic that would be more objective than its current one.

87. His delegation believed that it should not respond to what the representative of Rwanda had said at the 34th meeting; his defamatory statements had become too frequent. Rwanda had only one foreign-policy discourse, with the favourite theme revolving around the genocide against the Tutsi community currently in power in Kigali. However, it was common knowledge that the genocide had been committed in Rwanda by Rwandans against Rwandans; it had become a habit for that country to invoke the spectre of genocide to attract sympathy from the international community. The representative of Rwanda should stop "entertaining" representatives with speeches that dripped pure ethnic hatred.

88. His delegation emphasized that the Rwandan State had no rival on the planet when it came to using edged weapons; the 1994 genocide proved it.

89. **Mr. Ubalijoro** (Rwanda), speaking in exercise of the right of reply, said that the rebellion in the Democratic Republic of the Congo was a purely internal matter. The authorities in that country had been trying to externalize the conflict but had failed and had resorted to the rhetoric of genocide.

90. One of the major obstacles to a resolution of the crisis in that country was President Kabila's intransigence, which he disguised by mobilizing forces to his aid using a variety of propaganda. First was his allegation that the war in the Democratic Republic of the Congo was entirely an act of external aggression by neighbouring Uganda and Rwanda; he claimed that those countries' joint goal was consolidation of the Great Lakes region into a so-called Hima-Tutsi empire. That assertion was a smokescreen for avoiding the legitimate Government's problems within the country and the destabilizing influence those problems continued to have on neighbouring countries. President Kabila was using that assertion as an excuse to deny full citizenship to the Banyamulenge and other Congolese Tutsis of Rwandan origin.

91. Secondly, refugees from the fighting in the east had recently reported the massacre of at least 1,000 people, mainly Tutsis and those in opposition to the Government, at the hands of Kabila's allied forces, since the beginning of August. Over the State's airwaves, Congolese officials were inciting the public to get involved in the killing. President Kabila himself, in August 1998, had gone on national radio and television, in a broadcast heard and seen internationally, inciting the population to pick up knives, spears and stones to kill the Tutsis. That was on record.

92. The members of Kabila's Government were guilty not only of inciting genocide in that way but also of training and arming ex-Rwandan and *Interahamwe* soldiers responsible for the 1994 genocide in Rwanda. Those perpetrators of genocide had joined the ranks of Kabila's allies and continued to fight in the east, launching attacks in the Democratic Republic of the Congo as well as in Rwanda.

93. Also, Kabila was playing on the artificial linguistic divide between Francophones and Anglophones, thereby gathering support from various countries.

94. As Uganda and Rwanda were considered to have close relationships with the United States, Kabila was using anti-American sentiment to elicit outside support for the war. Kabila and his known allies were proclaiming the war in the Democratic Republic of the Congo as above all an anti-imperialist struggle against the Western conspiracy to control the country.

95. Kabila's allegations were all incredible fabrications and well known as such to the international community. It was high time that appropriate action was taken to halt his criminal orientation.

The meeting rose at 6.05 p.m.